

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

Docket Nos 75-1365
And 75-1366

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UNITED STATES COURT OF APPEALS
For the Second Circuit

Docket Nos 75-1365
and 75-1366

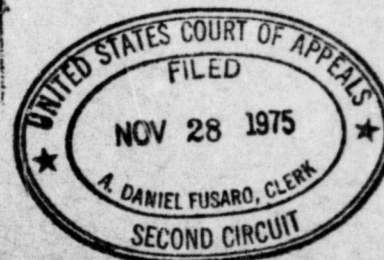
UNITED STATES OF AMERICA,
Appellee,

v.

LESLIE T. ROGERS,
Defendant-Appellant.

On Appeal from the United States District
Court For the Southern District of New York

APPENDIX OF DEFENDANT-APPELLANT
LESLIE T. ROGERS



Frederick P. Hafetz
GOLDMAN & HAFETZ
60 EAST 42ND STREET
NEW YORK, N. Y. 10017

(212) MU 2-8337

Attorneys for defendant-appellant

PAGINATION AS IN ORIGINAL COPY

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

BONSAL

75 CRIM. 285

U.S. Form No. 100 Rev.

JUDGE

TITLE OF CASE

THE UNITED STATES

vs.

LESLIE T. ROGERS

ATTORNEYS

For U.S.:

Ronald L. Garnett, AUSA
791-1936

For Defendant:

Frederick P. Hafetz
60 E. 42nd St. NYC

ONLY COPY AVAILABLE

(01)	STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DATE
	J.S. 2 mailed	Clerk				
	J.S. 3 mailed	Marshal				
	Violation	Docket fee				
	Title 18					
	Sec. 1708					
	Possess. of stolen mail.					
	(Eleven Counts)					

PROCEEDINGS

DATE	PROCEEDINGS
3-18-75	Filed indictment.
4-28-75	Pleading adjourned to 5-5-75, Bail \$1,000 PRB continued. Pierce, J.
5-5-75	Deft. (atty. present) Pleads not guilty. Motions returnable in 10 days. Bail fixed at \$1,000. P.R.B. Case assigned to Judge Cannella for all purposes. Wyatt, J.
5-7-75	Filed notice of appearance by Frederick P. Hafetz 60 E. 42nd St. NYC 632-8332
5-20-75	Deft & Atty. present. Withdraws plea of N.G. and PLEADS GUILTY to Ct. 1 only. Cts. 2 thru 11 open P.S.I. ordered - Sent. 6-26-75 at 9 30 a.m. Bail cont'd. Cannella, J.
6-25-75	Case reassigned to Judge Bonsal.
9-23-75	Filed transcript of record of proceedings, dated 5-20-75.
10-06-75	Filed deft.'s notice of appeal from judgment of conviction. (mailed copies to U.S. Atty. Gen. for deft. and atty. gen.)

TITLE OF CASE
THE UNITED STATES

U.S.

VICTOR J. RIVERA
LESLIE T. ROGERS

ATTORNEYS

For U. S.:

Ronald L. Garnett, AUSA,
791-1916

For Defendant:

(1) Frederick J. Miller
22 W. 1st St.
Mt. Vernon, N.Y.
(914) 699-5798
(2) Frederick B. Hafetz
60 E. 42nd St.
New York, N.Y. 682-8337

(01) STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation 2	Docket fee				
Title 18					
Sec. 1708					
Possess. of stolen mail					
(Three Counts)					

DATE	PROCEEDINGS
4-14-75	Filed indictment.
4-28-75	Pleading Adjourned to 5-5-75. Bail \$500 cash continued. Pierce, J.
5-5-75	Both defts. (attys. present) Plead not guilty. Motions returnable in 10 days. Defts. continued on bail. Rivera \$1,000. P.R.B. and deft. Rogers \$500. cash. Case assigned to Judge Bonsal for all purposes. Wyatt, J.
05-08-75	V. Rivera-filed notice of appearance of atty. F. Miller.
05-08-75	L. Rogers-filed notice of appearance of atty. F. Hafetz.
06-06-75	Filed Govt.'s notice of readiness for trial.
06-09-76	Deft. Leslie Rogers (atty. F. Hafetz present) pleads guilty to count 2. Pre-sentence report ordered. 7-22-75 set. for sentence. Bonsal, J.
09-15-75	Victor J. Rivera - filed CJA 23 financial affdvt.

16-75 Deft. Victor Rivera (atty. Hudson Reid present) pleads guilty to count 1.
11-3-75 set for sentence. Pre-sentence report ordered. Bail cont'd.
Bonsal, J.

19-75 Filed transcript of record of proceedings, dated 6-9-75.

07-75 Filed deft. L. Rogers' notice of appeal from judgment of conviction.
of 9-29-75. Mailed copies to U.S. Atty. and deft.

08-75 LESLIE T. ROGERS (atty. present) Filed JUDGMENT- 2 yrs. impr. on count 2,
to run concurrently with 75 Cr. 285. Open counts in 75 Cr. 285
are dismissed on motion of deft.'s counsel with consent of the Govt.
Bonsal, J. issued all copies.

12-75 L. Rogers-filed remand dated 9-29-75.

16-75 L. Rogers - Filed commitment & entered return, Deft. delivered to MDC W.C. 9-29-75

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA :

-v- :

LESLIE T. ROGERS, :

Defendant. :

INDICTMENT

75 Cr. 285

-----x
COUNTS ONE THROUGH ELEVEN

The Grand Jury charges:

On or about the 25th day of January, 1975, in the Southern District of New York, LESLIE T. ROGERS, the defendant, unlawfully, wilfully and knowingly did have in his possession certain letters, described below, which had been stolen, taken, embezzled and abstracted from and out of an authorized depository for mail matter, knowing the same to have been stolen, taken, embezzled and abstracted:

<u>COUNT</u>	<u>ADDRESSEE</u>	<u>RETURN ADDRESS</u>
1	E. Casey 5000 Broadway New York, New York 10034	Manhattan & Bronx Surface Transit Operating Authority 2 World Trade Center New York, New York 10048
2	Peter Creaven 5000 Broadway New York, New York 10034	P.O. Box 390 Grand Central Station New York, New York 10017
3	Peter Creaven 5000 Broadway New York, New York	Dublin, Ireland
4	John Kerins 5000 Broadway New York, New York 10034	Department of Motor Vehicles Yonkers Office 999 Neppenhan Avenue Yonkers, New York 10703
5	J. Kerins 5000 Broadway New York, New York 10034	McGeever & Ward, Inc. General Insurance 265-A W. 231 St. Bronx, New York 10463
6	K. McLaughlin 5000 Broadway New York, New York 10034	McGeever & Ward, Inc. General Insurance 265-A W. 231 St. Bronx, New York 10463

<u>COUNT</u>	<u>ADDRESSEE</u>	<u>RETURN ADDRESS</u>
7	A. Cannon 5000 Broadway New York, New York	Payroll Office 722 West 168th Ar. New York, New York 10032
8	Katie McLaughlin or Kathleen Coenen 5000 Broadway New York, New York	P.O. Box 390 Grand Central Station New York, New York 10017
9	Annie Cannon 5000 Broadway New York, New York	McGeever & Ward, Inc. General Insurance 265-A W. 231 St. Bronx, New York 10463
10	P. Duane 5000 Broadway New York, New York 10034	Consolidated Edison Company of New York, Inc. 4 Irving Place New York, New York 10003
11	Patricia Duane 5000 Broadway New York City 10034	Philip Stoffer 155 East 60th Street New York, New York 10022

(Title 18, United States Code, Section 1708.)

Foreman

PAUL J. CURRAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

- v - :

VICTOR J. RIVERA and
LESLIE T. ROGERS, :

Defendants. :

INDICTMENT

75 Cr. 380

COUNT ONE

The Grand Jury charges:

On or about the 25th day of February, 1975, in the Southern District of New York, VICTOR J. RIVERA the defendant, unlawfully, wilfully and knowingly did have in his possession the contents of a certain letter, to wit, California Federal Savings and Loan Association Check No. A13-369761 in the amount of \$18,384.15, payable to Alexander Kaufman, 109 Sherman Avenue, New York, New York, which check had been stolen, taken, embezzled and abstracted from and out of an authorized depository for mail matter, knowing the same to have been stolen, taken, embezzled and abstracted.

(Title 18, United States Code, Sections 1708 and 2.)

COUNT TWO

The Grand Jury charges:

On or about the 25th day of February, 1975, in the Southern District of New York, LESLIE T. ROGERS, the defendant, unlawfully, wilfully and knowingly did have in his possession the contents of a certain letter, to wit, California Federal Savings and Loan Association Check No. A13-369761 in the amount of \$18,384.15, payable to Alexander Kaufman, 109 Sherman Avenue, New York, New York, which check had been stolen, taken, embezzled and abstracted from and out of an authorized depository for mail matter, knowing the same to have been stolen, taken, embezzled and abstracted.

(Title 18, United States Code, Sections 1708 and 2.)

COUNT THREE

The Grand Jury further charges:

On or about the 25th day of February, 1975, in the Southern District of New York, VICTOR J. RIVERA, the defendant, unlawfully, wilfully and knowingly did have in his possession the contents of a certain letter, to wit, United States Treasury Check No. 38, 869, 870, Symbol 3046, in the amount of \$1,870.80, payable to Mary Silvestri, 552 Academy Street, New York, New York, which check had been stolen, taken, embezzled and abstracted from and out of an authorized depository for mail matter, knowing the same to have been stolen, taken, embezzled and abstracted.

(Title 18, United States Code, Section 1708.)

Foreman

PAUL J. CURRAN
United States Attorney

RJC:wp

September 25, 1975

Hon. Dudley B. Bonsal
United States District Judge
United States Court House
New York, New York 10007

Re: United States v. Leslie Rogers, 75 Cr. 285,
United States v. Leslie Rogers, et al., 75 Cr. 380.

Dear Judge Bonsal:

Leslie Rogers is scheduled to be sentenced by your Honor on September 29, 1975, on the two indictments mentioned above.

The Government would therefore like to inform your Honor that Mr. Rogers has been cooperating with the United States Attorney's Office, particularly in preparation for the trial of Victor Rivera, Mr. Rogers' co-defendant in Indictment 75 Cr. 380. Mr. Rogers has been to my office on several occasions to discuss his testimony. On each of those occasions, I found Mr. Rogers to be candid about his role in the offense charged in 75 Cr. 380, while providing valuable information relating to Mr. Rivera. While Mr. Rogers was not required to testify at the trial of Victor Rivera, he was in Court on the date of trial and stood ready to testify if necessary.

Very truly yours,

PAUL J. CURRAN
United States Attorney

By:

ROBERT J. COSTELLO
Assistant United States Attorney
Telephone: 212-791-1922

cc: Frederic Hafetz, Esq.
60 E. 42nd Street
New York, New York

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - - - - x
4 UNITED STATES OF AMERICA :
5 V. : 75 Cr. 380
6 : 75 Cr. 285
7 LESLIE T. ROGERS, :
8 Defendant. :
9 - - - - - x

10
11 BEFORE: HON. DUDLEY B. BONSAI, D. J.

12 New York, N. Y.
13 September 29, 1975
14 11 A. M. - Room 1505

15 APPEARANCES:

16 PAUL J. CURRAN, ESQ.,
17 United States Attorney
18 BY: ROBERT J. COSTELLO, ESQ.,
19 Assistant United States Attorney. Of Counsel
20
21 FREDERICK HAFETZ, ESQ.,
22 Attorney for Defendant.
23
24
25

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2 THE COURT: Is Mr. Rogers here for sentencing?
3 What happened to Mr. Rogers this morning?

4 MR. HAFETZ: Your Honor, the defendant apologizes
5 for his lateness. The defendant was attempting to secure a
6 letter from the Methadone Maintenance Program, with which
7 he was involved, to present to the court this morning. That
8 was his reason for the delay. The letter has not yet been
9 prepared.

10 His wife, I have been told by the defendant, is
11 on her way down to court now with that letter. The letter
12 would show his involvement in that program.

13 THE COURT: He has had quite a lot of time. I
14 think I adjourned this sentence, didn't I? I think it was
15 originally on last week when I adjourned this.

16 All right. Has the government anything it would
17 like to say?

18 MR. COSTELLO: No, your Honor, other than what
19 was stated in the letter.

20 THE COURT: I received the letter from the
21 government. And, Mr. Hafetz, did you see a copy of this
22 letter?

23 MR. HAFETZ: Yes, I have, your Honor.

24 THE COURT: You have seen that; all right.
25 What do you have to say, Mr. Hafetz?

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2 MR. HAFETZ: Your Honor, the letter sets forth
3 the cooperation by the defendant in regard to the case in-
4 volving the stolen check. The defendant was prepared and
5 ready to testify in that case against Mr. Rivera had the
6 case gone to trial. I would ask that the court take that
7 into consideration, as I am sure it will.

8 I read the presentence report this morning and
9 I would say this in regard to the report: Although there are
10 a number of criminal charges that have been referred to in
11 that report it is worth analyzing somewhat. The defendant
12 is presently age 30. As I read the report, he since the
13 year 1967, when he was age 22, has been convicted of only
14 one crime, that being a misdemeanor in the criminal court
15 in Manhattan. I should say two misdemeanors. There was
16 a bail jumping -- that's a misdemeanor, I believe -- failure
17 to appear arising out of that case. He was given a con-
18 current sentence of 30 days on that charge in 1974.
19 And I believe since 1967, the last eight years, those have
20 been his only convictions.

21 The defendant obviously was a drug addict and the
22 troubles throughout his life, including his extensive
23 juvenile history, were all related, I believe, to his drug
24 addiction.

25 Since 1967, as I say, we have only the misdemeanor

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2 conviction arising out of the one incident, and in 1972 the
3 defendant enrolled in a methadone maintenance program.
4 He has been in that program since that time. I myself at
5 one point verified that he was in that program by making a
6 phone call in regard to contacting the defendant and was
7 advised by one of the persons involved that the defendant
8 was in the program. And I left a telephone message for him.

9 The defendant has been trying to adjust and to
10 make something of his life, your Honor. The defendant has
11 also had several jobs since the time this charge arose.
12 He is working at a car wash on a part time basis.

13 The defendant has some stability in his background.
14 In the last 3 years or so he has been married, has had a
15 common law relationship with the same woman. I met her.
16 She has been in court on several occasions with this defen-
17 dant in regard to the case. I have had long and extensive
18 telephone conversations with her regarding the defendant.
19 She is greatly interested in the defendant.

20 Your Honor, the only other thing that I would say
21 is if the court feels some verification of the defendant's
22 standing in the methadone maintenance program is needed I
23 would ask the court, if the court feels that it is necessary,
24 for some additional time this morning.

25 Quite true, the defendant, as the court has said,

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2 had time to get that letter together. However, I really
3 would not want to see him penalized for not having it together
4 if there is going to be any adverse conclusion to come from
5 a non-presentation of the letter because I have been advised
6 it is on its way, the defendant's wife is bringing it down.

7 THE COURT: I didn't know he was going to produce
8 the letter. He had quite a lot of time to get one. I am
9 not too concerned. I didn't expect it.

10 MR. HAFETZ: Yes, your Honor. I would also say
11 this: He was ready to cooperate in this case and did under
12 really adverse conditions.

13 The defendant, I believe, had some fear for his
14 life in regard to the matter of cooperation. I think he
15 expressed to me he moved from the neighborhood in which he
16 lived at the time this incident arose partly to get away
17 from people that he had known previously and I think partly
18 as a protective measure, partly to really get him on a
19 new road since this case.

20 I think this case, this and the other one involving
21 when I say "this," the Rivera case and the other one involving
22 the numerous counts, all arising out of one incident, of
23 aiding and abetting in a mail theft, were the first felony
24 charges that I believe the defendant had been faced with
25 since the year 1967. I believe that they come as really

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2 quite a severe jolt in the defendant's life and I think that
3 they would be significant factors in really having him pursue
4 a course of adjusting himself. And I think the fact that
5 he was willing to testify in this case, notwithstanding
6 threats to himself and fear that he underwent -- I discussed
7 that with him at length, whether under adverse conditions,
8 whether he would be willing to testify in this case, and he
9 was still willing to do it and I think that that says some-
10 thing significant about the defendant.

11 I will ask the court to take all these factors
12 into consideration in sentencing the defendant.

13 THE COURT: All right. Thank you, Mr. Hafetz.

14 Mr. Rogers, is there anything you would like to
15 say to me, any fact you would like to bring to my attention
16 before sentence is imposed on you, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: All right.

19 THE DEFENDANT: Judge, I got in trouble. I
20 realize, you know, what I did was wrong. I know that. Since
21 I got in trouble I moved out of the neighborhood, you know,
22 to get away from the people that I was associating with.
23 I picked a new crowd of people. I have been working every
24 day since I got arrested and the only time I missed, I
25 missed four days coming, you know, to court for sentence.

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2 That's the only time I missed, coming to court, that I
3 missed going to work.

2 4 THE COURT: What kind of work have you been
5 doing, sir?

6 THE DEFENDANT: Washing cars and cleaning cars.

7 THE COURT: Washing cars?

8 THE DEFENDANT: Washing cars and cleaning cars
9 at two different garages, the Water Wash on Broadway and the
10 other one on --

11 THE COURT: Broadway and what?

12 THE DEFENDANT: Broadway and 179th Street, on
13 the corner. And the other one is on Alden, about two blocks
14 from where I am living now, on Alden Avenue and 167 Street.

15 THE COURT: All right. Is there anything else
16 you would like to say to me?

17 THE DEFENDANT: Yes, if I can get a break I
18 promise the court that I won't get in no more trouble again.

19 THE COURT: According to this report, Mr. Rogers,
20 you have, it seems to me, a very substantial record here.
21 I am not going into all of it. I know when you were a kid
22 you got into trouble, but I am not worrying about that.
23 The report indicates here that back in 1961 in New Haven --
24 how old were you in '61? That would be about 16 or 17,
25 something like that?

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2 THE DEFENDANT: True.

3 THE COURT: That you were convicted in New Haven
4 and sentenced to an indefinite sentence because of breaking
5 and entering; is that right?

6 THE DEFENDANT: Yes.

7 THE COURT: Then in '62 the report indicates that
8 you violated your parole?

9 THE DEFENDANT: Yes.

10 THE COURT: Then in '62, in Fairfield, Connecticut,
11 you were convicted of breaking and entering?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you received one year; is that
14 right?

15 THE DEFENDANT: Yes.

16 THE COURT: And then in 1964, in the Superior
17 Court of New Haven, you were convicted of robbery, is that
18 right, and received a one to five year sentence? Is that
19 right?

20 THE DEFENDANT: Yes.

21 THE COURT: And then in 1966, in the criminal
22 court of Manhattan, you were convicted of attempted forgery
23 and received four months; is that right?

24 THE DEFENDANT: Yes.

25 THE COURT: Then in Stamford, going back to

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2 Stamford, Connecticut, in 1967 you were found guilty of
3 larceny and given a six months sentence which was suspended;
4 is that right?

5 THE DEFENDANT: Yes, sir, that's when I was over
6 there in prison.

7 THE COURT: I see. And in 1967, in the criminal
8 court of Manhattan, you were convicted of criminally re-
9 ceiving stolen property and you were sentenced to time
10 served; is that right?

11 THE DEFENDANT: Yes.

12 THE COURT: And there is a question mark here.
13 Were you convicted of burglary in New Rochelle in 1967?

14 THE DEFENDANT: No, sir.

15 THE COURT: You were not. And in 1974, in the
16 criminal court of Manhattan, you were convicted of criminal
17 possession of stolen property and burglars tools and sentenced
18 to 30 days; is that right?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And the criminal court of Manhattan
21 again in 1974 -- this was August of 1974 -- you were
22 convicted of bail jumping?

23 THE DEFENDANT: Yes.

24 THE COURT: And you were given a concurrent sen-
25 tence of 30 days on that?

2 THE DEFENDANT: Yes.

3 THE COURT: And then there is an item here of
4 January 25, 1975, in the criminal court, Manhattan, that
5 you were charged with criminal possession of stolen property.
6 And that involved stolen mail, which is the subject of this
7 one.

8 I take it that is the same general offense?

9 MR. HAFETZ: Yes, it is, your Honor.

10 THE DEFENDANT: Yes.

11 THE COURT: That is the same general offense?

12 MR. HAFETZ: It is the same case. It arises out
13 of the charge in the criminal court and then brought by the
14 agents over in the federal court. It is the very same
15 case.

16 THE COURT: Very well. This is a fairly exten-
17 sive record, Mr. Rogers, and I think most of this has been
18 due to your drug problem; is that correct?

19 THE DEFENDANT: Yes.

20 THE COURT: How long have you been on drugs?

21 THE DEFENDANT: Since I was 16.

22 THE COURT: Since you were 16. You are 30 now.
23 Fourteen years; is that right?

24 THE DEFENDANT: Yes.

25 THE COURT: That is the thing that troubles me.

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2 You are 30 now and it seems to me that at 30 it is awfully
3 important that you finally kick this drug problem and also
4 that perhaps you get a chance to learn a trade. You are
5 doing a job washing cars. I don't think that is enough.

6 THE DEFENDANT: The letter that my wife is
7 bringing down -- they sent me to a test on 23rd Street.
8 I went down to the Manpower and I think I passed. I don't
9 know whether I passed it or not.

10 THE COURT: The defendant is here for sentence on
11 two separate indictments charging possession of stolen mail,
12 75 CR. 285, which was before Judge Cannella, and 75 CR. 380,
13 which is before me. With a view to accomplishing what I
14 think is very necessary for you, Mr. Rogers -- and I hope
15 you come out it -- I am going to give you a sentence here.
16 I feel that I have to.

17 The defendant will be committed to the custody
18 of the attorney general, or his duly authorized represen-
19 tative, for imprisonment for a period of two years. The
20 court recommends to the bureau that the defendant receive
21 appropriate drug rehabilitation and treatment while he is
22 in custody.

23 And I am going to ask you, Mr. Rogers, to cooper-
24 ate in that so that when you come out of this you will have
25 licked that habit and also will be ready to come back as a

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2 good citizen and with a proper training and have a good job.

3 Yes, sir.

4 THE DEFENDANT: Could the court send me to
5 Phoenix House or something?

6 THE COURT: No, I don't know where the bureau
7 will send you, and I don't like to interfere with that, but
8 they will be aware of your problem, sir, and I think they
9 will send you to the place where they have the most appro-
10 priate facilities for you. I am hopeful that they will.
11 And I would like to see that they have a copy of the trans-
12 cript of this sentencing so that they will know the problems
13 and know the reasons why I felt I had to give you this
14 sentence.

15 Now, this sentence is on each of the indictments
16 and the sentence will run concurrently so it will cover
17 both these indictments.

18 THE CLERK: Are there any open counts?

19 MR. HAFETZ: Your Honor, I believe there are
20 open counts on both cases. I would ask that they be dis-
21 missed at this time.

22 MR. COSTELLO: Consented to by the government,
23 your Honor.

24 THE COURT: The open counts will be dismissed.

25 MR. HAFETZ: Your Honor, the defendant advises me

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2 that he would like to address the court at this time.

3 THE COURT: Go ahead.

4 THE DEFENDANT: Your Honor, can I change my plea
5 back?

6 THE COURT: I beg your pardon? No.

7 THE DEFENDANT: Can I change my plea back?

8 THE COURT: No, you can't, I am sorry. That is
9 denied. When you made your plea I was satisfied that you
10 knew what you were doing and I will not grant an application
11 to withdraw it.

12 MR. HAFETZ: Your Honor, may the defendant have
13 a little time before he surrenders? His wife is on the way
14 down to court this morning. May he be permitted to see her
15 before surrender?

16 THE COURT: Well, I would like to have him have
17 an opportunity to see his wife. I will ask the marshall.
18 Couldn't the defendant stay downstairs today and see his
19 wife sometime? Can that be arranged?

20 DEPUTY MARSHALL: I am not clear on that, your
21 Honor.

22 THE COURT: Ask about that. I would like Mr.
23 Rogers to have the opportunity to see his wife. I under-
24 stand she is on the way down.

25 MR. HAFETZ: Yes, your Honor, she is.



1
2 THE COURT: Okay.

3 MR. HAFETZ: He will be in the building next --

4 THE COURT: I will ask the marshalls to see if
5 they can't keep him in the building here. You know, it is
6 very near. We have the new building next door.

7 THE DEFENDANT: Your Honor, how long will it be
8 before I am eligible -- you know, I have got a son -- to
9 get back in the street?

10 THE COURT: I know. You will be eligible for
11 parole at the end of a third of your sentence providing you
12 make some progress. The main thing I am hopeful of is,
13 the important thing for you is to once and for all finally
14 lick this drug habit and get yourself good training so you
15 can get a good job.

16 THE DEFENDANT: Can you do one thing for me?

17 THE COURT: Yes, what is that?

18 THE DEFENDANT: Can you put on the record that
19 they give me a parole? With my record they aint going to
20 give me a parole.

21 THE COURT: If you do what I say, the parole
22 board will take that into consideration. It is all up to
23 you. It is entirely up to you, sir.

24 Okay.

25 - - -



